

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION UNDER 37 C.F.R. § 1.131

1. I Brad Pitzel, am one of three joint inventors of the claims in the above-referenced application.
2. At least as early as September 22, 1998, we, the joint inventors, built and tested a software update system for upgrading components on a client computer. Using the software update system, a configuration ("RAM") file on a first server was transmitted to a client computer. The configuration file identified certain components for upgrade on the client computer. The client computer determined the client conditions on the client computer and transmitted information about the identified component and the determined client conditions to a second server. The second server identified the location of at least one program for transmission to the client computer. The second server transmitted to the client computer the identified location. The client computer then downloaded the upgrade program from the identified location.
3. Appendix A includes redacted portions of an e-mail, dated at least as early as September 22, 1998, from Brad Pitzel to Steve Summit, showing that the software update system was in existence and was successfully tested at least as early as September 22, 1998. Appendix B includes redacted portions of an e-mail, dated at least as early as September 22, 1998, from Bill Roberts to RealNetwork's employees describing the operation of the software update system. Appendix C includes a text file of a directory listing of certain files that were included in the software update system and that were used to perform the upgrade a component on a client machine. Each of these files were made and tested as early as September 22, 1998.

Penalty of Perjury Statement

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Dated: April 17/2002

By: 

Bradley John Pitzel

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### Appendix A

Redacted Email, from Brad Pitzel to Steve Summit of RealNetworks:

[REDACTED]

>>A few weeks back you generated a .ram file for Bill that would trigger an

>>AutoUpdate for the [REDACTED] components (Paley).

>>We need one that does not have [REDACTED] as the URL

>>to download from -- could you generate another .ram for use, with an empty

>>string as the download URL?

>

>Here 'tis:

>

><rn-update>5cktw2o3ersfCk0Cr43a4iEf3Cz94eC4E0001jyhtgfBmEafmqzkm

>

Hi Steve,

sorry , I was a bit vague in my previous email -- the component requested should be "rsr", the same as the old .ram [REDACTED]. The expiry date should be far in the future. Only the URL needs to be changed.

cheers,

--brad

## Appendix B

Redacted E-mail from Bill Roberts to RN employees describing AutoUpdate config file being sent from server to client, causing AutoUpdate process to start:

[REDACTED]

I spoke to Karim today about our latest idea for upgrading Free Player users to Plus and getting RPAs, which require payment on the E-Comm. site to users.

[REDACTED], it looks as though will, in fact, be able to pursue the technique we most preferred: having a RAM file sent from the E-Comm site trigger the Player to perform an upgrade check.

Following is the behavior as I know it now:

1. RealPlayer 6 user either responds to upsell message in player or visits web site outside the player. Purchases RealPlayer Plus and an RPA.
2. User sent to download page containing a link for "upgrade". User clicks on link and E-Comm generates and sends a RAM file containing a command the RealPlayer will interpret as a command to perform a Missing Plug-in upgrade check for the items in the command.

Syntax will go something like this:

AutoUpdate:<item1>:<item2>

where item1 & 2 are identifiers which map to packages for the upgrades in the upgrade server, e.g., PlayerPlus, [REDACTED]

[REDACTED]

When the player makes this upgrade request any dependent components on their platform will be upgraded based on the dependencies we set up in the upgrade server. The upgrade dialogs look like the missing plug-in case with a few wording changes.

[REDACTED]

We set up a special package in the RealPlayer product DB for these items. We don't want these components to be returned in general automatic or manual upgrade checks from RealPlayers & we don't want to force a S/N check. Brad: we need to think this part over, I think this is achievable.

3. When Plus package installs user is prompted for S/N.

07/16/02 09:41 FAX

sent by: realnetworks Legal

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04/18/02 13:46PM; ~~Jeff~~ #2/9; Page 10/18

[REDACTED]

## Appendix C

Timestamp	File size	File name
1998	21,596	rpframe.cpp
1998	56,078	rpupgrd.cpp
1998	8,508	httpget.cpp
1998	24,575	upgprot.cpp
1998	73,177	upgrdmgr.cpp
1998	7,268	product.cpp
1998	14,300	request.cpp
1998	18,083	server_main.cpp
1998	41,552	upgrade.cpp

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Attorney's Docket No. REALNET.034A

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**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

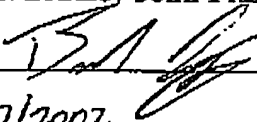
I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SYSTEM AND METHOD FOR UPDATING INFORMATION VIA A NETWORK; the specification of which was filed on May 25, 1999 as Application Serial No. 09/318,438.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inventor: **Bradley John Pitzel**

Inventor's signature 

Date April 17/2002

Residence: **208 North 62nd Street, Seattle, WA 98103**

Citizenship: **Canadian**

Post Office Address: **208 North 62nd Street, Seattle, WA 98103**

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Attorney's Docket No. REALNET.034A

Full name of second inventor: Stanislav Bobrovskiy

Inventor's signature Stanislav BobrovskiyDate 4/17/02

Residence: 5225 NE 193 PL, Lake Forest Park, WA 98155

Citizenship: U.S.

Post Office Address: 5225 NE 193 PL, Lake Forest Park, WA 98155

Full name of third inventor: William A. Roberts

Inventor's signature William A. RobertsDate 4/17/02

Residence: 303 E. Pike Street #604, Seattle, WA 98122

Citizenship: U.S.

Post Office Address: 303 E. Pike Street #604, Seattle, WA 98122

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

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REALNET,034A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Pitzel et al.	)	Group Art Unit 2122
			)	
Appl. No.	:	09/318,438	)	
			)	
Filed	:	May 25, 1999	)	
			)	
For	:	SYSTEM AND METHOD FOR	)	
		UPDATING INFORMATION	)	
		VIA A NETWORK	)	
			)	
Examiner	:	C. Das	)	
			)	
			)	

CONSENT OF ASSIGNEE TO ADD INVENTOR

United States Patent and Trademark Office  
PO Box 2327  
Arlington, VA 22202

Dear Sir:

Robert Kimball, RealNetworks, Inc., Assignee of U.S. Patent Application No.: 09/318,438, filed May 25, 1999, hereby consents to the addition of William A. Roberts as named co-inventor in the above-referenced patent application.

RealNetworks, Inc.

Dated: 4/18/02

By:

  
Robert Kimball

Title: Vice President Legal and Business Affairs

Address: 2601 Elliott Avenue, Suite 1000  
Seattle, WA 98121S:\DOCS\EM\MEMN-9641.DOC  
041502

REALNET.034A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Pitzel et al.	)	Group Art Unit 2122
			)	
Appl. No.	:	09/318,438	)	
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		UPDATING INFORMATION	)	
		VIA A NETWORK	)	
			)	
Examiner	:	C. Das	)	
			)	
			)	
			)	

STATEMENT OF WILLIAM A. ROBERTS UNDER 37 C.F.R. § 1.48(a)

United States Patent and Trademark Office  
PO Box 2327  
Arlington, VA 22202

Dear Sir:

I, William A. Roberts, am an inventor of the subject matter claimed in the above-reference patent application. The omission of my name as an inventor was an error that occurred without any deceptive intent on my part.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Dated: 4/17/02

  
William A. Roberts

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